

1 HONORABLE BRIAN D. LYNCH

2 HEARING DATE: JULY 11, 2013
3 HEARING TIME: 3:30 P.M. (TELEPHONIC)

4

5

6

7

8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON

10 In re

11 MERIDIAN SUNRISE VILLAGE, LLC,

12 Debtor.

BANKRUPTCY NO. 13-40342

ADVERSARY NO. 13-04225

13 MERIDIAN SUNRISE VILLAGE, LLC,

14 Plaintiff,

15 v.

16 NB DISTRESSED DEBT INVESTMENT FUND
17 LIMITED; STRATEGIC VALUE SPECIAL
18 SITUATIONS MASTER FUND II, L.P.; BANK OF
19 AMERICA NATIONAL ASSOCIATION; and
U.S. BANK NATIONAL ASSOCIATION,

Defendants.

DECLARATION OF JAMES L. DAY IN
SUPPORT OF DEBTOR'S OBJECTION
TO MOTION FOR STAY PENDING
APPEAL

James L. Day declares as follows:

1. I am an attorney at the law firm of Bush Strout & Kornfeld LLP and am licensed to
practice before this Court. I have been primarily responsible for representing Meridian Sunrise

20
21
22
23
DECLARATION OF JAMES L. DAY IN SUPPORT OF
DEBTOR'S OBJECTION TO MOTION FOR STAY PENDING
APPEAL – Page 1

BUSH STROUT & KORNFELD LLP
LAW OFFICES
601 Union St, Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 Village, LLC, the debtor-in-possession in this case. I have personal knowledge of the facts stated
2 herein, and I am competent to testify to them.

3 2. The Debtor is pleased to advise the Court that it has negotiated the terms of a
4 consensual plan of reorganization that has the necessary support to proceed under § 1129(a) of the
5 Bankruptcy Code. The Debtor anticipates that the amended plan will have the support of each of its
6 classes, such that all elements under § 1129(a), including § 1129(a)(8), will be satisfied.

7 2. Attached hereto as Exhibits A, B and C, respectively, are term sheets reflecting the
8 material terms for treatment of the claims in Classes 2, 3 and 4.

9 3. The Debtor has already prepared and circulated a Seconded Amended Plan of
10 Reorganization that would incorporate each of these deal terms. U.S. Bank, as agent under Class 2,
11 and as the lender under Classes 3 and 4, has also prepared, circulated, and received comments on
12 revised loan documents reflecting the plan terms for treatment of those classes. The Debtor
13 anticipates that each of these documents will be finalized in the next 24 hours.

14 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
15 is true and correct to the best of my information and belief.

16 DATED this 11th day of July, 2013, at Seattle, Washington.

/s/ James L. Day

**DECLARATION OF JAMES L. DAY IN SUPPORT OF
DEBTOR'S OBJECTION TO MOTION FOR STAY PENDING
APPEAL – Page 2**

BUSH STROUT & KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104